



An
Bord
Pleanála

Inspector's Report

ABP-306494-20

Development	Construction of a two-storey dwelling.
Location	282 Old Greenfield, Maynooth, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	19/211
Applicant(s)	Catherine Hayes and Neal Johnson
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party V. Refusal
Appellant(s)	Catherine Hayes and Neal Johnson
Observer(s)	None
Date of Site Inspection	13 th March 2020
Inspector	Elaine Power

1.0 Site Location and Description

- 1.1. The appeal site is located in the rear and side garden of no. 282 Old Greenfield. Old Greenfield is a mature residential estate located approx. 500m south of Maynooth town centre. It is noted that a significant number of properties located within the estate have subdivided the rear gardens, which has result in a haphazard pattern of backland development along the street.
- 1.2. The site has a stated area of 0.166ha and is currently overgrown. It currently accommodates an existing single storey semi-detached house with a large side and rear garden. The overall site is triangular in shape and has a 100m frontage onto the Straffan Road. This boundary is screened with trees and vegetation. To the west the site is bound by no 283 Old Greenfield and 3 no. dwellings which are located in the original rear garden of the house. To the north the site is bound by the existing house, a parcel of land within the applicants ownership, which has permission for 2 no. dwellings and the public road.
- 1.3. No. 141 Old Greenfield (also referred to as 141 Greenfield Cottages) which is located on the opposite side of the road and to the west of the subject site, is a Protected Structure (RPS no. B05-34) and listed on the NIAH (ref. 11803104). A semi-detached house located directly opposite the appeal site is also listed on the NIAH (ref. 11803105).

2.0 Proposed Development

- 2.1. It is proposed to construct a 2-storey 4-bedroom dwelling with a gross floor area of 227sqm. The house is T-shaped and has a contemporary design approach. It has a gable ended pitched roof, with a maximum height of 8.5m. The house is located in the rear / side garden of the existing semi-detached house and is accessed via a new driveway approx. 5m in width by 35m in length. 2 no. car parking spaces are located along the western boundary of the site, to front of the proposed house. The works also include the construction of a 12sqm shed located to the western site boundary, to the side of the house.

2.2. **Further Information lodged 21st October 2019**

In response to the further information request a revised house design was submitted which resulted in minor alterations to the proposed house, including the provision of louvers at the first-floor bedroom windows on the front elevation. The length of the rear garden of the existing house was increased from 8m – 10m, this did not result in any alterations to the siting of the proposed dwelling.

The proposed access arrangements were altered to provide a single vehicular access point onto Greenfield for both the existing and proposed houses.

A Planning Statement, shadow survey and Photomontages and CGI's were submitted within the response.

2.3. Revised notices were published on the 14th November 2019.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission was refused for the following reason: -

1. Having regard to the proximity of neighbouring dwellings to the north and north-west of the site and the inadequate separation distances between the proposed development and these dwellings and the proposed dormer dwellings to the north-east of the site subject of planning application 19/212, the proposed development would, by reason of overlooking, seriously injure the residential amenity of these neighbouring dwellings, would depreciate the value of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The initial report by the Area Planner raised some concerns regarding the proposed development and recommended that permission be sought regarding the following: -

- The proposed house should be amended as it is not in keeping with the scale and character of the area. There were particular concerns regarding overlooking, visually obtrusive design, internal layout and private amenity space for the existing and proposed dwellings.
- Contextual drawings and photomontages are required.
- An overshadowing survey of adjoining properties is required.
- Having regard to the proliferation of vehicle access points, revised access arrangements should be submitted.

Following receipt of further information, the Area Planner considered that the concerns raised had not been fully addressed by the applicant and recommended that permission be refused for the reason outlined above.

3.2.2. **Other Technical Reports**

Water Services report: No objection subject to conditions

Transportation Department final report: No objection subject to conditions

3.3. **Prescribed Bodies**

Irish Water: No objection

3.4. **Third Party Observations**

A third-party objection was received from Maurice and Shelia Byrne in response to the revised scheme. The concerns raised are summarised below:

- The height and scale of the building is out of character with the area.
- There are insufficient separation distances between the proposed and existing houses.
- The proposed development would negatively impact on existing residential amenities and would result in undue overlooking and have an overbearing impact.
- There is a protected structure across the road.

- The proposed dwelling should be redesigned to reflect the established pattern of development.

4.0 Planning History

Appeal Site

PL09.245599, Reg. Ref. 15/180: Permission was granted in 2016 for the construction of a 2-storey detached house to the side of the existing house at no. 282 Old Greenfield and fronting directly onto Old Greenfield.

Reg. Ref. 19/0212: Permission was granted in 2019 for 2 No. semi-detached single storey dwellings with attic dormers to the side of the existing house at no. 282 Old Greenfield and fronting directly onto Old Greenfield.

Surrounding Sites

ABP-306831-20, Reg. Ref. 19/1379: Current appeal for the construction of 6 no. self catering units in one 3 storey block and all associated site works to the rear of Hawthorn House B & B located on the opposite side of the road from the appeal site.

5.0 Policy Context

5.1. **Maynooth Local Area Plan 2013 - 2019**

5.1.1. The appeal site is located in an area zoned B – Existing Residential and Infill with the associated landuse objective *to protect and improve existing residential amenity; to provide for appropriate infill residential development and to provide for new and improved ancillary services.* Table 16 notes that this zoning principally covers existing residential areas and also provides for infill development within these existing residential areas. The primary aims of this zoning objective are to preserve and improve residential amenity and to provide for further areas and also provides for infill development within these existing residential areas.

5.1.2. The following policies are considered relevant: -

HPO 1: To promote a high standard of architecture in the design of new housing developments and to encourage a variety of house types, sizes and tenure to cater for the needs of the population and facilitate the creation of balanced communities.

HPO 2: To encourage the appropriate intensification of residential development in existing residential areas and the town centre, subject to compliance with relevant development management criteria and the protection of residential amenity of adjoining properties.

5.2. **Kildare County Development Plan**

5.3. Table 4.1 sets out guidance on appropriate locations for new residential developments. With regard to Inner suburban / infill sites it states that the provision of additional dwellings can be provided either by infill or by sub-division. Infill residential development may range from small gap infill, unused or derelict land and backland areas. Sub-division of sites can be achieved where large houses on relatively extensive sites can accommodate new residential development without a dramatic alteration in the character of the area or a negative impact on existing residential amenities.

5.4. Section 4.11: Residential Development in established Urban Areas – Infill, Backland Subdivision of Sites and Corner Sites notes the following regarding infill / backland development *the development of underutilised infill and backland sites in existing residential areas is generally encouraged. A balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill.*

5.5. Chapter 15 Urban Design and Chapter 17: Development Management Standards are considered relevant.

5.6. **Natural Heritage Designations**

The appeal site is located approx. 1km south west of the Rye Water Valley/Carton SAC (001398)

5.7. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against the Planning Authority's decision to refuse permission. The submission addresses the reason for refusal and is summarised below: -

- The proposed development would increase the density of the site, which is in accordance with the National Planning Framework and sustainable urban development.
- The site is zoned residential and located in close proximity to Maynooth town centre and is in accordance with development plan policies and objectives
- The site is large with an overall area of 0.16 ha and has the capacity to absorb the proposed development. Sites in the vicinity of the appeal site have been developed in a similar way. The appeal should be considered in this context. The proposed dwelling is in keeping with the built form and character of the area. It should be noted that a similar house design was approved under PL09.245599, 15/180.
- The proposed development would not result in undue overlooking. The separation distances (approx. 18.4m) are adequate to ensure privacy. It should be noted that there are no first floor opposing windows at 282 or 283 Old Greenfield or at the proposed dwellings granted under Reg. Ref 19/212. The development plan and the Sustainable Residential Development Guidelines acknowledged that separation distances of 22m are not always achievable or

particle and allow for innovative solutions to reduce any potential overlooking . The planning authority did not apply any flexibility or have regard to the nature of the site as an infill.

- Revised drawings submitted with the appeal indicate minor internal alterations which result in amendments to the location and positioning of windows, including the provision of a high level window and wooden louvres at first floor level on the front elevation and an opaque window at first floor level on the rear elevation.
- The proposed development would not have a negative impact on existing residential amenities and the planning authority has not provided any rationale for this conclusion.

6.2. Planning Authority Response

In response to the appeal the planning authority acknowledge the amendments proposed by the appeal. However, they raise concerns regarding undue overlooking from the proposed house into the rear gardens of the dwellings permitted under Reg. Red. 19/211. It is recommended that the Board uphold the planning authority's decision to refuse permission.

7.0 Assessment

7.1. The appeal refers to the layout and design of the house as submitted with the appeal to address concerns regarding overlooking. The following assessment, therefore, focuses on that proposal with reference to the original proposal, where appropriate.

7.2. The main issues relate to the reason for refusal. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development
- Residential and Visual Amenity
- Appropriate Assessment

7.3. Principle of Development

- 7.3.1. The appeal site is located in an area zoned B – Existing Residential and Infill with the associated landuse objective to protect and improve existing residential amenity; to provide for appropriate infill residential development and to provide for new and improved ancillary services. Table 16 notes that this zoning principally covers existing residential areas and also provides for infill development within these existing residential areas. The primary aims of this zoning objective are to preserve and improve residential amenity and to provide for further areas and also provides for infill development within these existing residential areas.
- 7.3.2. Having regard to the sites zoning objective and the proximity to Maynooth town centre there is no objection in principle to the provision of a high-quality residential development on the site, that is compatible with the existing a pattern of development in the area and in accordance with national and local policy objectives.

7.4. Residential and Visual Amenity

- 7.4.1. Permission was refused on the basis that the proposed development, by reason of overlooking would seriously injure the residential amenities of the existing and proposed dwellings (approved under 19/212).
- 7.4.2. The proposed house is located approx. 18m from the rear building line of the existing house and the rear building line of proposed House 1 previously approved under Reg. Ref. 19/212. The drawings submitted with the appeal indicated that there are 4 no. first floor window on the front elevation of the proposed house. In this regard 2 no. windows, serve bedroom 2, an opaque bathroom window and a large window to serve a void. The 2 no. bedroom windows have been provided with louvres to prevent overlooking. While the louvres would reduce the potential for overlooking, it is my view that the proposed windows should be relocated to the eastern elevation, as this elevation overlooks the sites boundary with the Straffan Road and, therefore, has no potential for overlooking. It is considered that this issue could be dealt with by way of condition. The proposed house is located approx. 5.2m from the western boundary of the site and approx. 8m from an existing house. There is 1 no. first floor opaque bathroom window located on the western elevation of the proposed house. Having

regard to the design and layout of the house, it is my opinion that it would not result in any undue overlooking of adjoining properties.

7.4.3. A shadow study was submitted by way of further information. Having regard to the separation distances between the proposed house and the surrounding properties and the information provided in the shadow analysis, it is my view that the proposed development would not result in undue overshadowing. It is also considered that having regard to the overall size of the site and the siting of the proposed house it would not result in an overbearing impact.

7.4.4. Notwithstanding the above I would have concerns that the scale and height of the house is out of character with the area. The proposed house is located on a corner site at the junction with Straffan Road and Old Green. The site has a frontage of approx. 100m onto Straffan Road and is, therefore, highly visible. The existing house on the site is single storey with a gross floor area of 95sqm. It has a pitched roof with a maximum height of 4.8m. The proposed houses approved under Reg. Ref. 19/212 are dormer bungalows with a gross floor area of 148sqm each. They have a maximum height of 7.2m. The existing houses to located to the west of the appeal site are also dormer bungalows with a maximum height of 7.2m. The proposed dwelling is approx. 8.5m in height and, therefore, a minimum of 1.2m higher than the surrounding dwellings. Having regard to the guidance set out in Section 4.11 of the Development Plan I would have concerns that the proposed scale and height of the proposed house would be out of character with the existing pattern of development and would have a negative impact on the existing visual amenities of the area.

7.4.5. While I have no objection in principle to the provision of an additional house within the site, it is my view that, it is not possible to revise the height and scale of the house by way of condition without significantly altering the design of the development, it is therefore, recommended that permission be refused.

7.5. ***Appropriate Assessment***

Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a

significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

It is recommended that permission be refused for the reasons stated in the attached schedule.

9.0 Reasons and Considerations

Having regard to the pattern of development in the area and the backland nature of the site, it is considered that the proposed house, by reason of its scale and height would be incongruous in terms of its design, which would be out of character with the streetscape. The proposed development would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

Elaine Power
Planning Inspector

16th March 2020